

REMARKS

The Office Action of December 20, 2007 has been reviewed and the Examiner's comments carefully considered. Original claims 1-18 were previously cancelled in the present application and claims 19-36 were added via a Preliminary Amendment. Claims 19-34 are amended herewith and claims 37-43 have been added to the present application in accordance with the originally filed specification. In particular, and with respect to amended independent claim 19, it is stated that the aminotriazine condensation product according to the invention is formaldehyde-free at page 2, lines 21-26 of the originally filed specification and the disclosure for the definition of the oxocarboxylic acid derivatives can be found at page 3, lines 10-18 of the originally filed specification. Claims 19-43 are currently pending in this application and claim 19 is in independent form.

Priority German Patent Application Nos. 103 14 478.1 and 103 22 107.7

This application is the U.S. national phase of PCT Application No. PCT/EP2004/003178, filed March 25, 2004, corresponding to German Application Nos. 103 14 478.1 and 103 22 107.7, filed March 26, 2003 and May 9, 2003, respectively. Applicants submit herewith the Priority Certificates and verified, English-language translations of both of priority German Application Nos. 103 14 478.1 and 103 22 107.7, filed March 26, 2003 and May 9, 2003. With this submission, Applicants have now perfected the priority dates of the content of the present application to March 26, 2003 and May 9, 2003, the filing dates of the priority German applications.

Claim Objections

Initially, claims 21-23 stand objected to because the Examiner asserts that the phrase "where R₂ may be identical or different" should be changed to read "wherein each instance of R₂ may be identical or different". Claims 21-23 have been amended according to the Examiner's suggestions. Reconsideration and withdrawal of these objections are respectfully requested.

35 U.S.C. §112, Second Paragraph, Rejections

Claims 19-36 stand rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Essentially, the Examiner asserts that the main issue with claims 19, 26, 32, 33 and 34 is that each contains a broad range or limitation along with a narrow range or

limitation that falls within the broad range or limitation in the same claim, rendering the claim indefinite. The narrow range or limitation from each affected claim has been deleted via the present amendment and the deleted language is now the subject matter of an appropriate dependent claim. As to claim 32, the phrase "reaction product of" has been added before the phrase "from about 5 to 95% by weight of the reaction product" and the term "syrup-like" has been deleted from the claim. In light of the foregoing, reconsideration and withdrawal of these rejections are respectfully requested.

35 U.S.C. §102(b) Rejections

Claims 19-23, 25-31 and 33-36 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 4,404,332 to Parekh et al. (hereinafter, "Parekh").

However, Parekh only discloses aminotriazine condensation products containing formaldehyde. By incorporating the term "formaldehyde-free" and defining an oxocarboxylic acid derivative according to the present invention in amended independent claim 19, the subject matter of amended claim 19 is novel with respect to Parekh. Only in example VIII of Parekh is a reaction of melamine and glyoxylic acid disclosed in the preparation of a cross-linking agent. However, glyoxylic acid is not an oxocarboxylic acid derivative within the meaning of amended claim 19. Since Parekh only discloses the reaction of amino-formaldehyde starting materials, one of ordinary skill in the art would not read Parekh and be motivated to leave such a formaldehyde-amino system. In light of the foregoing, the presently claimed invention is neither anticipated by, nor rendered obvious over, the teachings of Parekh.

Claims 20-23, 25-31 and 33-36 depend either directly or indirectly from and add further limitations to independent claim 19 and are believed to be allowable over Parekh for the reasons discussed hereinabove in connection with independent claim 19. Therefore, for all the above reasons, reconsideration of and withdrawal of the rejections of claims 19-23, 25-31 and 33-36 are respectfully requested.

35 U.S.C. §102(e) Rejections

Claims 19, 23-24, 26-28, 33 and 35 stand rejected under 35 U.S.C. §102(e) for anticipation by U.S. Patent No. 7,199,209 to Van Benthem et al. (hereinafter, "Van Benthem").

Van Benthem was cited as a 102(e) reference to the present application based on its PCT Application filing date of May 28, 2003. However, with the submission herewith of the Priority Certificates and verified, English-language translations of both of priority German Application Nos. 103 14 478.1 and 103 22 107.7, Applicants have now perfected the priority dates of the content of the present application to March 26, 2003 and May 9, 2003, the filing dates of the priority German applications. The filing dates of the priority German applications to the present application pre-date Van Benthem's PCT application filing date. As such, Van Benthem should be removed as prior art to the present application. Accordingly, the rejections to claims 19, 23-24, 26-28, 33 and 35 relying upon Van Benthem are moot and should be withdrawn.

35 U.S.C. §103 (a) Rejections

Claim 24 stands rejected under 35 U.S.C. §103(a) for obviousness over Parekh as applied to claim 19 in view of U.S. Patent No. 4,770,668 to Skoultchi et al. (hereinafter, "Skoultchi"). The Examiner relies on Skoultchi to provide the teaching of reacting glyoxylic methyl ester methyl hemiacetal with a cyclic amine. Skoultchi describes derivatives of cyclic amino compounds. However, the compounds of Skoultchi are not considered aminotriazines and one of ordinary skill in the art would not look to Skoultchi in order to cure the deficient teachings of Parekh. As such, the invention of claim 24 is not rendered obvious by Parekh in view of Skoultchi. Reconsideration and withdrawal of this rejection are respectfully requested.

Lastly, claim 32 stands rejected under 35 U.S.C. § 103(a) for obviousness over Parekh. In light of the amendments to independent claim 19 herein, Applicants assert that claim 32 would not be obvious to one of ordinary skill in the art in view of Parekh. Reconsideration and withdrawal of this rejection are respectfully requested.

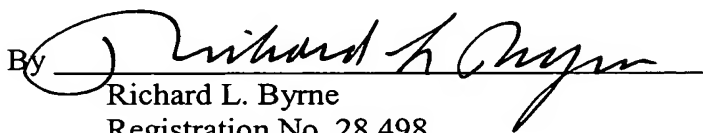
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CONCLUSION

Based on the foregoing submissions, amendments and remarks, reconsideration of the claim objections and rejections, and allowance of pending claims 19-43 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By 
Richard L. Byrne
Registration No. 28,498
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com